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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

In Re Bard IVC Filters Products  
Liability Litigation

No. MD-15-02641-PHX-DGC

**MOTION TO SEAL DOCUMENTS  
LODGED BY DEFENDANTS**

In accordance with Section 25 of the Stipulated Protective Order [Doc. 269], Plaintiffs move this Court to seal the documents that Defendants C.R. Bard, Inc. and Bard Peripheral Vascular (collectively “Bard”) lodged pursuant to its Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion to Exclude the Opinions of David Garcia, M.D. and Michael Streiff, M.D. [Doc. 7295] and Notice of Lodging Under Seal Certain Exhibits in Support of Bard’s Motion to Exclude the Opinions of Darren M. Hurst, M.D. [Doc. 7307] (collectively “Notices”). As Bard admits in its Notices, the information and materials it has lodged “contain Plaintiff’s personal healthcare information that is protected under HIPAA and confidential under the Stipulated Protective Order.” Notices at 1. Indeed, there is no dispute regarding the need to file the lodged documents under seal.

The information that Bard has lodged with its Notices all relates to Plaintiffs’ personal healthcare, treatment, and medical records. Such information is clearly protected under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996

1 (“HIPAA”), 45 C.F.R. § 160, 164(A) & (E). And, the knowing disclosure of such  
2 information is prohibited by 42 U.S.C. § 1320d-6. Again, there is no dispute as to the  
3 protected nature of the information – Bard admits that in its Notices. And, this Court has  
4 already granted the filing under seal of the same (or similar) information when the parties  
5 submitted their respective bellwether submissions. [See Doc. 4366.]

6 Accordingly, Plaintiffs request that the Court order the information and documents  
7 lodged with Bard’s Notices at docket numbers 7295 and 7303 be filed under seal.

8 RESPECTFULLY SUBMITTED this 15th day of September 2017.

9 GALLAGHER & KENNEDY, P.A.

10 By: /s/ Mark S. O’Connor  
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17  
18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on this 15th day of September, 2017, I electronically  
20 transmitted the attached document to the Clerk’s Office using the CM/ECF System for  
21 filing and transmittal of a Notice of Electronic Filing.

22 /s/ Deborah Yanazzo  
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